

COASTAL CONSERVANCY

Project Summary
January 23, 1997

CHIATE/WILDMAN EASEMENT DATA COLLECTION AND RESOURCE EVALUATION

File No. 88-046

Project Managers: Marc Beyeler and James Pierce

RECOMMENDED ACTION: Authorization to (1) disburse funds to retain technical specialists to collect data and evaluate the resources on the Chiate/Wildman access easement, and the adjacent parking easement, and (2) remove the Chiate/Wildman Easement from the scope of the inter-agency agreement between the Coastal Conservancy and the Mountains Recreation and Conservation Authority (MRCA) to operate and maintain certain vertical access easements.

LOCATION: 27900-10 Pacific Coast Highway, Malibu, Los Angeles County (Exhibit A)

PROGRAM CATEGORY: Public Access and Dedications and Donations

ESTIMATED COST: up to \$38,500

PROJECT SUMMARY: If the first aspect of this authorization is approved, staff will be able to further analyze construction feasibility of a Conservancy-held vertical access easement and accompanying parking easement at Escondido Beach, Malibu. Before staff can evaluate the relative merit of any alternatives to the Chiate/Wildman site or return to the Conservancy with a recommendation to construct the Chiate/Wildman access easement, staff needs to answer the following questions about the Chiate/Wildman vertical and parking easements: are the easements buildable; if they are, how would they be built; and how much will they cost to construct? These questions will be answered by evaluating site conditions and constraints, considering various design alternatives, and estimating construction costs.

This analysis will present staff with an accurate cost estimate which is needed in order to determine if the Chiate/Wildman easement can be built with the specifically designated funds (known as the "Black Tor" funds), which the Conservancy holds in a special deposit account. In addition, staff needs to examine design alternatives for the vertical easement in order to assess the environmental impacts created by an access construction project at the Chiate/Wildman site.

The second aspect of this staff recommendation seeks authorization to remove the Chiate/Wildman Easement from the scope of the interagency Management Agreement with the MRCA, previously authorized by the Conservancy on September 20, 1995.

Removing the Chiate/Wildman Easement from the scope of the Management Agreement is appropriate because the easement remains unopened until the data collection and resource evaluation work described above has been completed. In addition, the property owner contends that he did not receive adequate notice of the 1995 authorization. Staff and counsel disagree with the property owner's contention; however, staff recommends removing the management of this easement from the Conservancy's management agreement with the MRCA.

COASTAL CONSERVANCY

Staff Recommendation
January 23, 1997

CHIATE/WILDMAN EASEMENT DATA COLLECTION AND RESOURCE EVALUATION

File No. 88-046

Project Managers: Marc Beyeler and James Pierce

**STAFF
RECOMMENDATION:** Staff recommends that the State Coastal Conservancy adopt the following Resolution, pursuant to Sections 31400, 31400.3, 31404 and 31405 of the Public Resources Code:

"The Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed thirty-eight thousand five hundred dollars (\$38,500) to retain technical specialists to assist staff in the collection of data for construction and design of the vertical and parking easement at 27900-10 Pacific Coast Highway (known as the Chiate/Wildman easements), and amends its September 20, 1995 resolution to delete the operation and maintenance of the Chiate/Wildman easements from its interagency agreement with the MRCA."

Staff further recommends that the Conservancy adopt the following finding:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that the data collection and resource evaluation is consistent with the purposes and criteria set forth in Division 21 of the Public Resources Code, specifically, in Sections 31400, 31400.3, 31404 and 31405; with the Conservancy's Access Standards and Program Criteria; and with Coastal Act policies and objectives."

STAFF DISCUSSION:

Project Description: If the first aspect of this authorization is approved, staff will be able to use the expertise of engineers and site design consultants to collect data and analyze construction feasibility of a Conservancy-held vertical access easement and its accompanying easement for parking at Escondido Beach, Malibu. The feasibility study will answer the following questions: are the easements buildable; if they are, how would we build it; and how much will construction cost? The study will do this by evaluating site conditions and constraints, considering various design alternatives, and estimating construction costs. The cost is not expected to exceed than \$38,500.

Until this study is completed, staff will not be able to accurately evaluate the costs and impacts associated with constructing the access improvements to the Chiate/Wildman vertical and parking easements. This lack of information makes it difficult to recommend constructing the improvements or to evaluate relative merit of any alternatives to providing for public access from the Chiate/Wildman site.

Staff is also recommending the deletion of the Chiate/Wildman easement from the Conservancy's previous authorization for management and operation of the easement by the Mountains Recreation and Conservation Authority (MRCA). In 1995 the MRCA, a joint powers agency made up of the Santa Monica Mountains Conservancy and the Conejo Recreation and Park District, offered to operate and maintain the Chiate/Wildman easement, once constructed, as well as two other access easements along Escondido Beach. The Conservancy authorized entering into a management agreement with the MRCA for these accessways on September 20, 1995 (Exhibit B). Because the Chiate/Wildman Easement is not currently open, and because the owners of the property over which the easement lies have raised the issue of whether they received proper notice of the Conservancy's intention to have the MRCA manage this easement, staff believes that it is appropriate for the easement to be removed from the scope of the management agreement with the MRCA at this time.

Project Financing: The data collection study would be funded by a special deposit account, set aside pursuant to a Coastal Commission permit condition for the purpose of building the Chiate/Wildman easements. Approximately \$412,000 remains in the account, \$3,200 having been spent on the topographical survey of the vertical easement. One of the key parts of the construction data collection study is the cost estimate which will inform the Conservancy whether or not it can construct the Chiate/Wildman easements for the amount available in the special deposit account.

Site Description: The Chiate/Wildman vertical easement (27900-10 Pacific Coast Highway) runs through an existing gate, driveway, and tennis court, past two houses, and then along the walls of a steep ravine. The parking easement is over the eastern 25 feet of the property. Staff estimates that the parking easement, if developed, would hold approximately eight cars due to various constraints, such as an overlapping Caltrans easement, a ravine, and the necessity to allow the fee owner access to his property. The topography of the parking and vertical easements will likely make construction of the easements challenging. This underscores the importance of thorough construction data collection before recommending construction.

Project History: The Conservancy accepted the vertical easement in 1982 and the parking easement in 1985.

In 1990, as a result of a Coastal Commission permit action, the Conservancy received funds specifically designated to construct the Chiate/Wildman vertical easement or an alternative approved by the Commission's Executive Director and the Conservancy's Executive Officer. Approximately \$412,000 is available for construction of the Chiate/Wildman easement.

**CONSISTENCY WITH
CONSERVANCY'S
ENABLING LEGISLATION:**

The proposed authorization for data collection and resource evaluation is recommended pursuant to Chapter 9 of Division 21 of the Public Resources Code.

Public Resources Code Section 31400 states that the Conservancy should have a "principal role in the implementation of a system of public accessways" to guarantee the public's right to access and enjoyment of the coast. The first step in implementing the Chiate/Wildman accessway, one part of a system of accessways to the Malibu coast, is to complete a feasibility analysis.

Under Public Resources Code 31400.3, the Conservancy may provide such assistance as is required to aid in the establishment of a system of public accessways. This feasibility analysis is necessary before the Conservancy can establish the public access improvements to the Chiate/Wildman easement.

Section 31404 allows the Conservancy to take title to properties for public access but does not require the Conservancy to open such properties to public use if "the benefits of public use would be outweighed by the costs of development and maintenance." This feasibility study will enable Conservancy staff to make this evaluation by estimating the costs of access development.

Section 31405 states that the Conservancy may collect fees for the purpose of providing public access and use such funds for development of coastal accessways. The Conservancy has received funds specifically designated for the development of access improvements at the Chiate/Wildman easement and will use a portion of these funds for the feasibility analysis. The construction feasibility analysis is necessary if the Conservancy is to develop the Chiate/Wildman accessway for public use.

**CONSISTENCY WITH
CONSERVANCY'S
PROGRAM GUIDELINES:**

The project is consistent with the Conservancy's Access Program Guidelines in the following respects:

Urgency: Locating an operation and management entity to take responsibilities for new accessways in Malibu has been quite difficult. The MRCA's offer to operate and maintain the Chiate/Wildman easement represents an unique opportunity that should be taken advantage of as soon as possible. However, the Conservancy needs to first evaluate if and how it would construct the

necessary physical improvements to the easement (the purpose of the analysis) and then, actually build the improvements before the MRCA can assume management responsibilities.

Consistency with Coastal Access Standards: The Conservancy's coastal access standards set forth various criteria for the development of coastal accessways, such as the accessways should safely accommodate public use, minimize the alteration of natural land forms, provide site amenities, *etc.* One of the purposes of this study is to determine how to construct the Chiate/Wildman accessway in a manner consistent with the Coastal Access Standards.

Cost-Effectiveness: This analysis will determine the most cost-effective way to construct the improvements at the Chiate/Wildman easement.

Local Coastal Program Consistency: Malibu does not have a certified Local Coastal Program at this time. The approved County Land Use Plan, a document used to guide coastal planning until the LCP is certified, recognizes Escondido Beach as a priority access area and calls for accessways at every 2,000 feet along the coast. Construction of the Chiate/Wildman vertical easement is consistent with the LUP because the easement is approximately 2,000 feet from either of the nearest accessways: the privately-owned Paradise Cove beach and the Seacliff accessway at 27420-28 Pacific Coast Highway. This feasibility analysis is part of the usual pre-project evaluation undertaken by the Conservancy before developing an accessway.

**CONSISTENCY WITH
COASTAL ACT:**

This feasibility study is consistent with the policies and goals of the Coastal Act. Section 30210 of the Coastal Act states that "maximum access . . . shall be provided for all the people." Construction of the Chiate/Wildman accessway improvements would be consistent with this section since the Conservancy would be utilizing Offers-to-Dedicate Public Access to provide the maximum access possible to the Escondido Beach area. Because Offers-to-Dedicate were required by the Coastal Commission as conditions of permitted development, the construction of these vertical and parking easements would implement specific findings of the Commission regarding the need for public access at this location. The feasibility study will assist the Conservancy in determining if and how it can fulfill this goal of maximizing access by constructing the Chiate/Wildman accessway.

**COMPLIANCE
WITH CEQA:**

The proposed data collection and resource evaluation will not result in a serious or major disturbance to an environmental resource and, thus, is categorically exempt from CEQA review pursuant to 14 California Code of Regulations Section 15306.

MAP NO 120 H 049
COUNTY ENGINEER

LEGEND
WATER
ROAD
RAILROAD
ELECTRIC
GAS
SEWER
FIRE
CITY

match with dashed line on Map B

Street Parking along Pacific Coast Highway Escondido Beach, Malibu

Map A

Chiate/Wildman vertical

Parking Allowed
approx. 150 cars

No Parking
approx. 176 yds.

Paradise Cove
(private, \$15 admission)

Upcoast
(West)

